

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SILICON MICROPHONE
PACKAGES AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-888

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING COMPLAINANT'S MOTION FOR
SUMMARY DETERMINATION THAT IT HAS SATISFIED THE ECONOMIC PRONG
OF THE DOMESTIC INDUSTRY REQUIREMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 47) of the presiding administrative law judge ("ALJ") granting complainant's motion for summary determination that it has satisfied the economic prong of the domestic industry requirement.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on July 26, 2013, based on a complaint filed by Knowles Electronics, LLC, of Itasca, Illinois ("Knowles"). 78 *Fed. Reg.* 45272 (July 26, 2013). The notice of investigation named GoerTek, Inc. of Weifang, China and GoerTek Electronics, Inc. of Sunnyvale, California (collectively, "GoerTek") as respondents. The Commission Office of Unfair Import Investigations is not a party to this investigation. The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the importation into the United States, the sale for importation, and the sale within the United States after importation of silicon microphone

packages and products containing the same, by reason of infringement of certain claims of U.S. Patent Nos. 7,439,616 (“the ‘616 patent”); 8,018,049 (“the ‘049 patent”); and 8,121,331. Subsequently, the investigation was terminated as to claims 13 and 14 of the ‘616 patent and claim 24 of the ‘049 patent based on the withdrawal of complainant’s allegations as to those claims.

On December 19, 2013, complainant Knowles filed a motion for summary determination that it satisfies the economic prong of the domestic industry requirement as to the asserted patents in this investigation. On January 6, 2014, respondents GoerTek opposed the motion.

On May 8, 2014, the ALJ issued the subject ID (Order No. 47). The ALJ found that, based on the parties’ arguments and the evidence in the record, there is no material dispute regarding Knowles’s domestic industry-related plant and equipment investments, labor and capital investments, as well as Knowles’s engineering and research and development-related investments. The ALJ, therefore, granted complainant’s motion for summary determination that it has satisfied the economic prong of the domestic industry requirement under Section 337(a)(3)(A), (B), and (C). No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in Part 210 of the Commission’s Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: June 9, 2014